

## Council Communication

Department: Legal	Ordinance No. <u>6082</u>	First Reading <u>5/10/2010</u> Second Reading <u>5/24/2010</u> Third Reading _____
Case/Project No.		
Applicant.		
<b>SUBJECT/TITLE</b>		
<p>An Ordinance amending Chapter 3.62 "Transient Merchants" of the 2005 Municipal Code of Council Bluffs, Iowa, by repealing Section 3.62.100 "Prohibited acts", and enacting a new Section 3.62.100 "Prohibited acts", to prohibit solicitations at residences where owners have posted signs.</p>		
<b>BACKGROUND</b>		
<p>Every year about this time, we start getting complaints about door-to-door solicitations. A couple of years ago, the City of Ames had its ordinance that regulates such sales successfully challenged in the courts. Ames responded with an ordinance very similar to what is being proposed. It allows our citizens to protect themselves from unwanted solicitations merely by putting a sign on their doors. Once a door-to-door salesperson sees the sign, it would be illegal for them to attempt to make a sale.</p>		
<b>RECOMMENDATION</b>		
<p>It is the recommendation of the Legal Department that this ordinance be approved.</p>		

\_\_\_\_\_  
Department Head Signature

\_\_\_\_\_  
Mayor Signature

ORDINANCE NO. 6082

AN ORDINANCE amending Chapter 3.62 “Transient Merchants” of the 2005 Municipal Code of Council Bluffs, Iowa, by amending Section 3.62.100 “Prohibited acts”, to prohibit solicitations at residences where owners have posted signs.

BE IT ORDAINED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS IOWA:

**SECTION 1.** That Chapter 3.62 “Transient Merchants” of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing Section 3.62.100 “Prohibited acts” and enacting a new Section 3.62.100 “Prohibited acts”, to read as follows:

**“3.62.100 Prohibited acts.** No transient merchant, peddler, or person making street sales, or any person acting on behalf of said transient merchant, peddler, or person making street sales shall:

- (a) Shout, blow on a horn, ring a bell, or use any loudspeaker or amplifying system for the purpose of advertising or otherwise announcing his or her wares, or business activities, except as may be permissible under any other ordinance of the city of Council Bluffs, Iowa, or statute of the state of Iowa, and such acts shall be specifically prohibited after 9:00 p.m. and before 9:00 a.m. on any day of the week;
- (b) Have any right to any location in the public streets or ways or upon any public property, nor shall he/she be permitted to operate in any congested area where such operations might impede or inconvenience the public. The judgment of a police officer exercised in good faith shall be deemed conclusive as to whether the area is congested or the public inconvenienced;
- (c) Sell or offer to sell goods, wares, or merchandise from a mobile vending unit on any of the city's public streets between the hours of 10:00 p.m. and 7:00 a.m. on any day of the week, and on any of the city's arterial streets as set forth on the city's arterial street map between the hours of 4:00 p.m. and 6:00 p.m. on any day of the week;
- (d) Sell or offer to sell goods, wares, or merchandise on any of the city's public streets or other areas that are situated within a one block radius of any school between the hours of 7:30 a.m. and 4:30 p.m. during the days when any such school is in session;
- (e) Sell or offer to sell goods, wares, or merchandise from a mobile vending unit unless said mobile vending unit is parked in accordance with the ordinances of the city of Council Bluffs, Iowa, and the statutes of the state of Iowa;

- (f) Sell or offer to sell goods, wares, or merchandise from a mobile vending unit from any side of the unit other than the curb side of said mobile vending unit; or
- (g) Operate a mobile vending unit that is not equipped with an accessible container in which all litter and wrappers from goods, wares, or merchandise sold therefrom can be placed, and it shall be the duty of the operator of said mobile vending unit to see that any litter and wrappers do not remain after completing sales in any one location.
- (h) Enter upon any residential premises in the City where the owner, occupant, or person legally in charge of the premises has posted, at the entry to the premises or at the entry to the principal building on the premises, a sign bearing the words "No Peddlers", "No Solicitors", or words of similar import."

**SECTION 2. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This is Ordinance No. 5794 § 3 (part), 2004.

**SECTION 3. SEVERABILITY CLAUSE.** If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

**SECTION 4. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED  
AND \_\_\_\_\_, 2010  
APPROVED

\_\_\_\_\_  
THOMAS P. HANAFAN Mayor

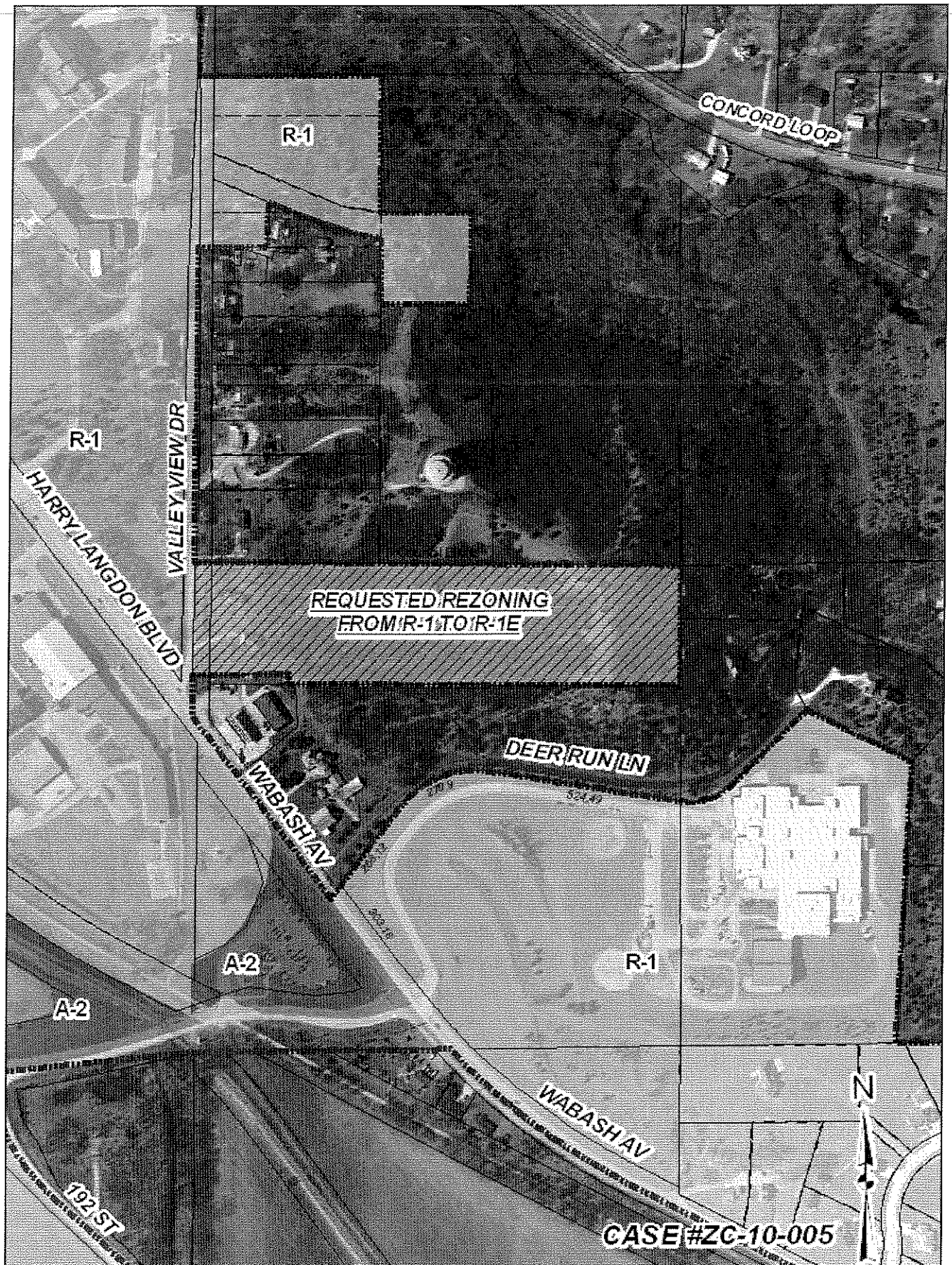
Attest:

\_\_\_\_\_  
MARCIA L. WORDEN City Clerk

First Consideration: 5/10/2010  
Second Consideration: 5/24/2010  
Public Hearing: n/a  
Third Consideration: \_\_\_\_\_

## Council Communication

<b>Department:</b> Community Development Case #ZC-10-005 Applicant: Clifford Kathol	<b>Ordinance No.</b> <u>6079</u>	<b>City Council:</b> <u>4/26/2010</u> <b>Planning Commission:</b> <u>4/13/2010</u> <b>First Reading:</b> <u>4/26/2010</u> <b>Second Reading:</b> <b>Third Reading:</b>
<p style="text-align: center;"><b>Subject</b></p> <p>Request of Clifford Kathol, representing Commercial R E Services LLC, 112 Greenvview Circle, Council Bluffs, IA 51503 to rezone a 9.62 acre parcel of land located in the SE1/4 SW1/4 of Section 8-74-43 described as beginning as the Northwest corner of said SE1/4 SW1/4, thence East 1325.36 feet, thence South 326.72 feet, thence West 1326 feet, thence North 332.63 feet to the Point of Beginning, except the South 25 feet of the West 218 feet, from R-1/Single Family Residential to R-1E/Single Family Residential Estates. This property, previously known as 14211 Valley View Drive, is located east of Valley View Drive and northeast of Harry Langdon Boulevard/Wabash Avenue as shown on the attached map.</p>		
<p style="text-align: center;"><b>Background</b></p> <p>Cliff Kathol has proposed to divide the above described parcel and cause the construction of two single family homes. This property has access to water and improved road right-of-way. However, sanitary sewer is not available. The applicant is requesting the property be rezoned R-1E/Single Family Residential Estates which would allow the use of private septic systems. The R-1E district is intended for areas of the city in which sanitary sewer service is deemed to be impractical due to topography or the availability and proximity of sanitary services.</p> <p>MidAmerican Energy has no objections at this time. The applicant should be aware there are existing overhead and underground electric distribution facilities in the vicinity and that any relocation expenses will be the responsibility of the applicant.</p> <p>No comments have been received from any other City department or utility that would adversely affect this request.</p> <p>Three owners within 200 feet requested additional information. No one voiced opposition to the proposed rezoning.</p>		
<p style="text-align: center;"><b>Discussion</b></p> <ol style="list-style-type: none"><li>1. The elevation of the property rises from 1,000 feet on Valley View to 1,180 on the east portion of the parcel. Only the west 1/3 of the property is deemed developable. The hillside was identified for preservation in the Loess Hills Plan.</li><li>2. Future development in the vicinity that can achieve urban density is unlikely. The probability of a private development of sufficient size to justify sewer extension is low.</li><li>3. The terrain of the area to the east of the site is not suitable for development and should remain as open space.</li><li>4. If areas to the north and southeast of the rezoning were annexed, the most appropriate zoning regulation is R-1E.</li></ol>		
<p style="text-align: center;"><b>Recommendation</b></p> <p>The Community Development Department recommends rezoning a 9.62 acre parcel of land located in the SE1/4 SW1/4 of Section 8-74-43 from R-1/Single Family Residential to R-1E/Single Family Residential Estates for the reasons stated above.</p> <p style="text-align: center;"><b>Public Hearing</b></p> <p>Clifford Kathol, 112 Greenvview Circle, appeared before the Planning Commission in favor of the request. No one appeared in opposition.</p> <p style="text-align: center;"><b>Planning Commission Recommendation</b></p> <p>The Planning Commission recommends rezoning a 9.62 acre parcel of land located in the SE1/4 SW1/4 of Section 8-74-43 from R-1/Single Family Residential to R-1E/Single Family Residential Estates</p> <p>VOTE: AYE 10    NAY 0    ABSTAIN 0    ABSENT 1    Motion: Carried</p>		
<p><b>Attachments:</b> Map showing proposed rezoning area.</p> <p><b>Prepared By:</b> Rebecca Sall, Planning Technician, Community Development Department.</p>		



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Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620  
Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

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ORDINANCE NO. 6079

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF A 9.62 ACRE PARCEL OF LAND, PREVIOUSLY KNOWN AS 14211 VALLEY VIEW DRIVE, LOCATED EAST OF VALLEY VIEW DRIVE AND NORTHEAST OF HARRY LANGDON BOULEVARD/WABASH AVENUE, FROM R-1/SINGLE FAMILY RESIDENTIAL TO R-1E/SINGLE FAMILY RESIDENTIAL ESTATES, AS SET FORTH AND DEFINED IN CHAPTERS 15.08B AND 15.08A OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of a 9.62 acre parcel of land, previously known as 14211 Valley View Drive, legally described as follows: SE¼ SW¼ of Section 8-74-43, in Council Bluffs, Pottawattamie County, Iowa, from its present designation as R-1/Single Family Residential to R-1E/Single Family Residential Estates, as set forth and defined in Chapters 15.08B and 15.08A of the 2005 Municipal Code of Council Bluffs, Iowa.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED  
AND \_\_\_\_\_, 2010  
APPROVED

\_\_\_\_\_  
THOMAS P. HANAFAN Mayor

Attest:

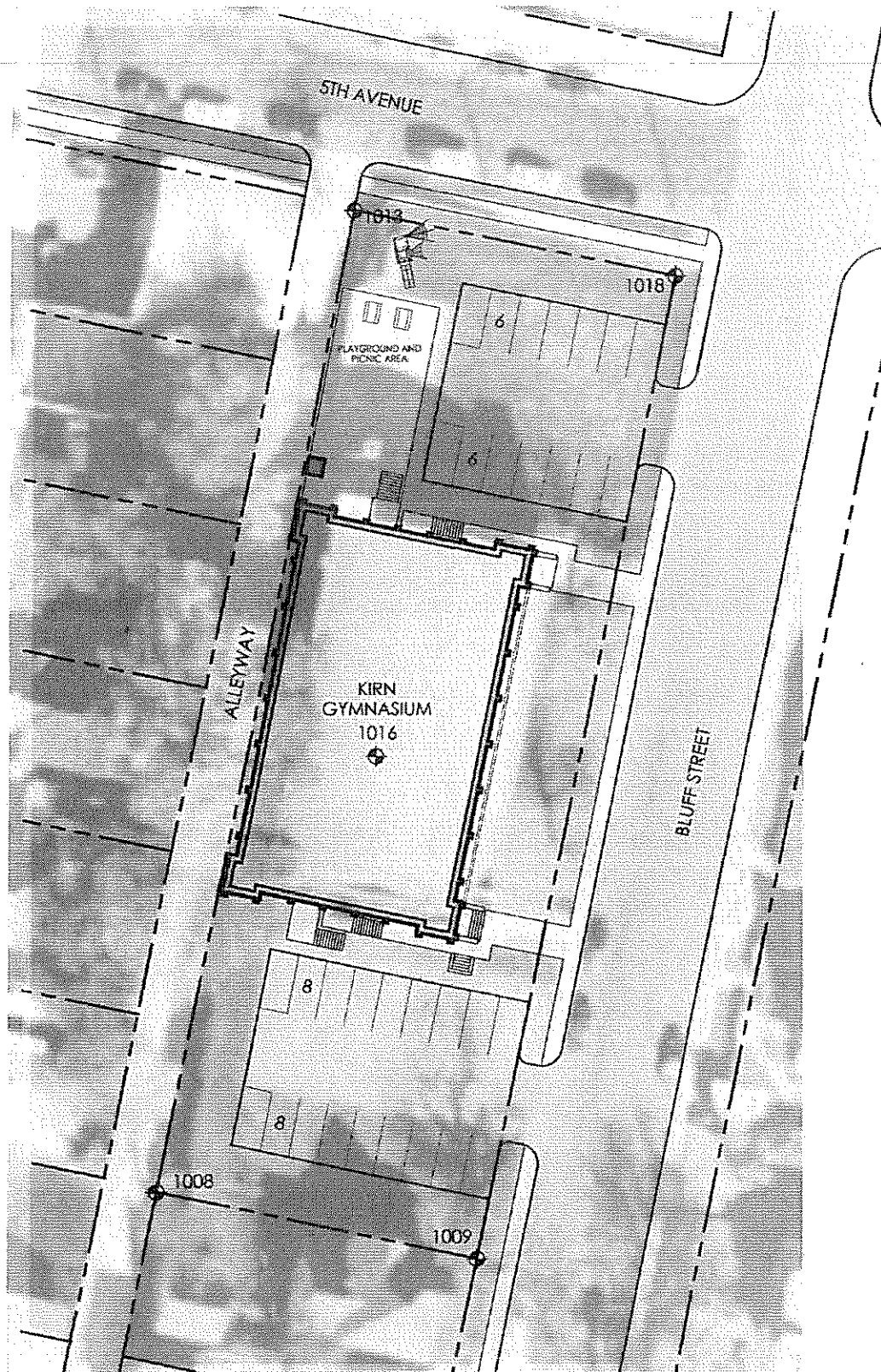
\_\_\_\_\_  
MARCIA L. WORDEN City Clerk

FIRST CONSIDERATION: 4/26/2010  
SECOND CONSIDERATION: 5/10/2010  
PUBLIC HEARING: 5/10/2010  
THIRD CONSIDERATION:

## Council Communication

<b>Department:</b> Community Development <b>Case No. ZC-10-007</b> Applicant: 510 Bluff Street LLC 142 W. Broadway Council Bluffs, IA 51503	<b>Ordinance No. <u>6080</u></b>	<b>City Council:</b> 4/26/10 <b>Planning Commission:</b> 4/13/10 <b>First Reading:</b> _____ <b>Second Reading:</b> _____ <b>Third Reading:</b> _____
<b>Subject/Title</b>		
Rezone Lots 1 through 6, Jackson's Addition from R-1/Single Family Residential to A-P/Administrative Professional District.		
<b>Background/Discussion</b>		
<p>510 Bluff Street LLC is requesting rezoning of the former Kim Gym, addressed as 510 Bluff, from R-1/Single Family Residential to A-P/Administrative Professional in order to renovate the existing structure into 20 apartments. There will be 10 studio apartments, 8 one-bedroom and 2 two-bedroom units. Off-street parking for 28 vehicles is shown, which exceeds the minimum of 21. City services and all utilities are available with adequate capacity to serve the proposed use.</p> <p>The subject property and the land to east, north and south are zoned R-1/Single Family Residential as shown on the attached map. A-P and C-3 Commercial abut on the west side. This property was zoned for multi-family use with the original map in 1928. In 2002, as part of a larger rezoning petitioned by neighboring property owners it was down zoned from R-3 to R-2. In 2004, again at the petition of neighboring property owners, this land was rezoned to R-1. The future land use map in the 1994 Comprehensive Plan calls out this land for multi-family use with administrative/professional use to west and one and two family residential use about a block east. The requested rezoning is consistent with the 1994 Comprehensive Plan. It is a reasonable extension of the adjacent zoning on the west.</p> <p>Sean Thomsen, 525 Bluff Street was opposed to both prior rezonings effecting his property. He said that he would like the same opportunity to rezone as the applicants in this case. Adding his property to this request was not possible when he call March 31, 2010. The applicants hosted an open house on March 30, 2010 at the Public Library to explain their plans. No other comments were received from adjacent property owners regarding this request.</p>		
<b>Recommendation</b>		
The Community Development Department recommends rezoning Lots 1 through 6, Jackson's Addition from R-1/Single Family Residential to A-P/Administrative Professional District for the reasons cited above.		
<b>Public Hearing</b>		
Jim Royer, 142 West Broadway Street, Suite 140, appeared before the Planning Commission in favor of the request. No one appeared in opposition.		
<b>Planning Commission Recommendation</b>		
The Planning Commission recommends rezoning Lots 1 through 6, Jackson's Addition from R-1/Single Family Residential to A-P/Administrative Professional District for the reasons cited above by the Community Development Department.		
VOTE: AYE 10   NAY 0   ABSTAIN 0   ABSENT 1   Motion: Carried		
Attachments: Zoning Map and Site plan		
Prepared by: Gayle M. Malmquist, Development Services Coordinator		





Site Plan  
Scale: 1" = 30'-0"  
Kim Gymnasium  
Council Bluffs, Iowa

PROJECT NUMBER: 09125

FILE LOCATION: \_\_\_\_\_

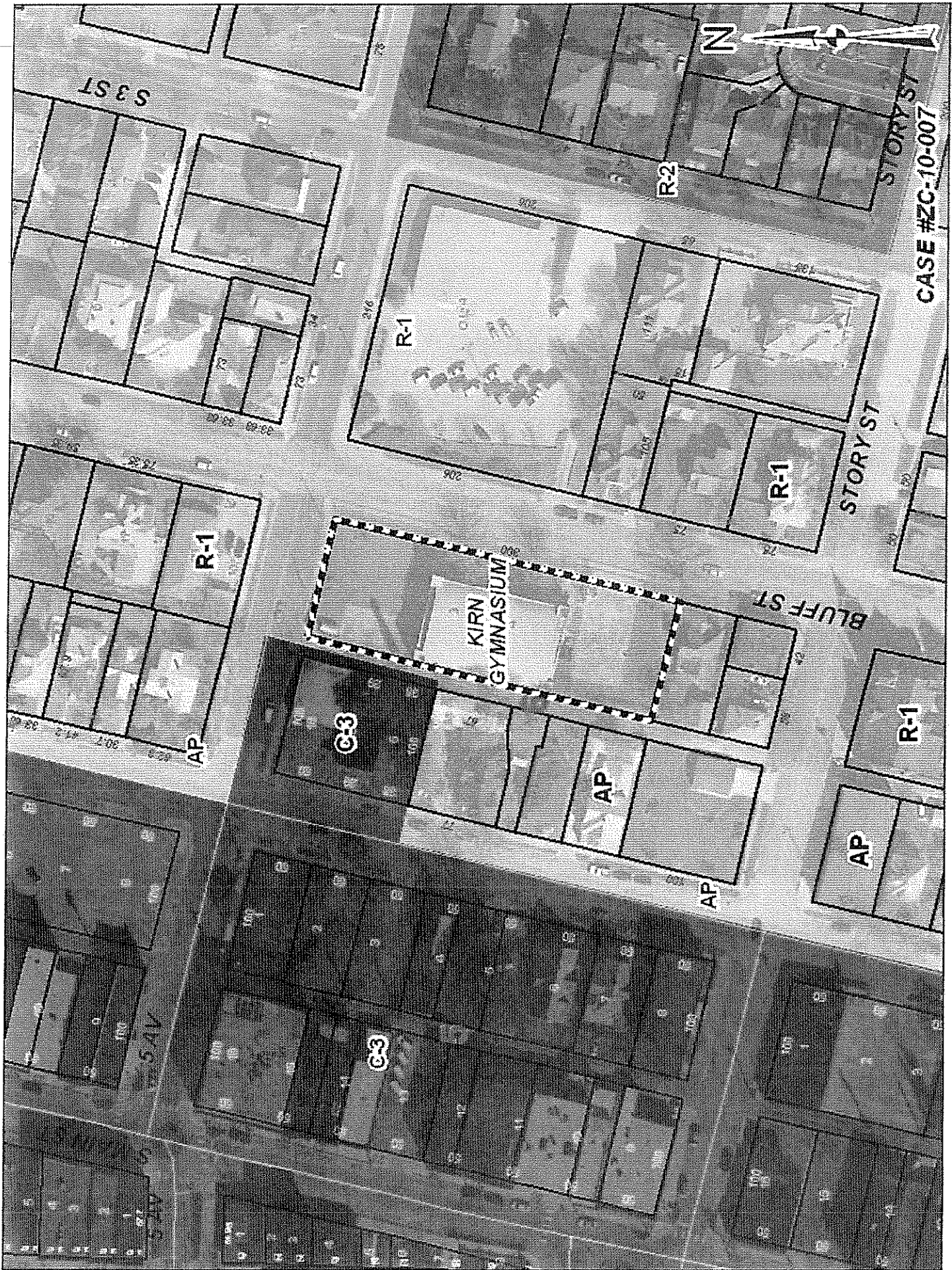
DATE: 2010-02-17

DWG. NO. \_\_\_\_\_

ALLEY-FOYNER  
MACCHETTO

1510 Cumming Street  
Omaha, NE 68102  
Ph: 402.341.1544  
Fax: 402.341.4725  
a@alleyfoyer.com





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Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620  
Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

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ORDINANCE NO. 6080

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF THE FORMER KIRN GYM AT 510 BLUFF STREET, FROM R-1/SINGLE FAMILY RESIDENTIAL DISTRICT TO A-P/ADMINISTRATIVE PROFESSIONAL DISTRICT, AS SET FORTH AND DEFINED IN CHAPTERS 15.08B AND 15.13 OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of the former Kirn Gym, 510 Bluff Street, legally described as follows: Lots 1 through 6, Jackson's Addition, in Council Bluffs, Pottawattamie County, Iowa, from its present designation as R-1/Single Family Residential District to A-P/Administrative Professional District, as set forth and defined in Chapters 15.08B and 15.13 of the 2005 Municipal Code of Council Bluffs, Iowa.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED  
AND \_\_\_\_\_, 2010  
APPROVED

\_\_\_\_\_  
THOMAS P. HANAFAN Mayor

Attest:

\_\_\_\_\_  
MARCIA L. WORDEN City Clerk

FIRST CONSIDERATION: 4/26/2010  
SECOND CONSIDERATION: 5/10/2010  
PUBLIC HEARING: 5/10/2010  
THIRD CONSIDERATION: \_\_\_\_\_

## Council Communication

Department and Applicant: Community Development Case #ZT-10-003	Ordinance No. <u>6081</u>	City Council: 4-26-10 Planning Commission: 4-13-10 First Reading 4-26-210 Second Reading 5-10-10 Third Reading
<b>Subject/Title</b> Amend Chapter 15.05 – A-2/Parks, Estates and Agricultural District of the Municipal Code (Zoning Ordinance) as follows: Amend §15.05.020 ‘Principal Uses’ by adding new 13 ‘Animal shelter (non-profit)’		
<b>Background/Discussion</b> Fundraising continues to create an animal shelter in conjunction with the Midlands Humane Society, which is a non-profit organization. The proposed site, lying north of College Road, includes the shelter with offices and facilities for animal control officers with a dog park. The land is currently zoned A-2/Parks, Estates and Agricultural District. The Council Bluffs Zoning Ordinance does not address ‘animal shelters’ as a use. The proposed amendment adds ‘Animal shelter (non-profit)’ as a principal use in the A-2/Parks, Estates and Agricultural District.  Attachment ‘A’ shows the proposed amendment to Chapter 15.05 – A-2/Parks, Estates and Agricultural District in the Municipal Code (Zoning Ordinance) as discussed above. New text is <u>underlined</u> .		
<b>Recommendation</b> The Community Development Department recommends amending Chapter 15.05 - A-2/Parks, Estates and Agricultural District of the Municipal Code (Zoning Ordinance) as follows: Amend §15.05.020 ‘Principal Uses’ by adding new 13 ‘Animal shelter (non-profit)’ as shown in Attachment ‘A’.  <b>Public Hearing</b> Gayle Malmquist appeared before the Planning Commission in favor of the request. No one appeared in opposition.  <b>Planning Commission Recommendation</b> The Planning Commission recommends amending Chapter 15.05 - A-2/Parks, Estates and Agricultural District by adding ‘Animal shelter (non-profit)’ as shown in Attachment ‘A’.  VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 1 Motion: Carried		
Attachment ‘A’ Prepared by: Gayle M. Malmquist, Development Services Coordinator Attachment ‘A’		

**Chapter 15.05**  
**A-2/PARKS, ESTATES AND AGRICULTURAL DISTRICT**

**Sections:**

- 15.05.010 Statement of intent**
- 15.05.020 Principal uses**
- 15.05.030 Conditional uses**
- 15.05.040 Accessory uses**
- 15.05.050 Site development regulations**
- 15.05.060 Additional regulations**
- 15.05.070 Signs**

**15.05.010 Statement of intent.** This district is intended to preserve lands best suited for agricultural, recreational, and large-parcel residential uses. It is also intended to preserve land suited for eventual development, pending proper timing for economical and practical provisions of streets, utilities, schools and other facilities so that reasonably compact development will occur.

**15.05.020 Principal uses.** The following principal uses shall be permitted outright in an A-2 district:

01. Animal production
02. Cemetery
03. Dwelling, single family detached
04. Family home
05. Government maintenance facility
06. Horticulture and crop production
07. Local utility services
08. Park and recreation services
09. Public campground
10. Public safety services
11. Religious assembly (Ord. #5523, Sec. 1, 10/23/00)
12. Secondary airports and private light plane landing strips, when laid out and operated in accordance with all applicable regulations of the Federal Aviation Administration (FAA) and when situated on a site containing not less than thirty (30) acres. (Ord. 6055, Sec. 1, 3/8/10)
13. Animal shelter (non-profit)

**15.05.030 Conditional uses.** The following conditional uses shall be permitted in an A-2 district in accordance with the requirements set forth in Chapter 15.02: (Ord. 6055, Sec 2, 3/8/10)

01. Agricultural sales and service
02. Commercial recreation (outdoor)

03. Day care services
04. Extraction activity
05. Funeral service in conjunction with a cemetery
06. Outdoor firing range
07. Private campground
08. Sanitary landfill
09. Rubble dump

(Ord. #5523, Sec. 2,10/23/00)

**15.05.040 Accessory uses.** Accessory uses shall include uses of land or structures customarily incidental and subordinate to one of the principal uses, unless otherwise excluded. In an A-2 District only, an accessory structure may exceed the ground floor coverage of the principal structure.

**15.05.050 Site development regulations.**

Minimum Lot Size

Lot area: 3 acres  
 Lot width: 150 feet  
 Lot depth: 200 feet

<u>Minimum Setbacks</u>	<u>Principal Structure</u>	<u>Accessory Structure</u>
Front yard:	50 feet	greater of 50 feet or existing front setback line of principal structure
Street side yard:	20 feet	20 feet
Side yard:	10% of lot width or 10 feet whichever is greater	10% of lot width or 10 feet whichever is greater
Rear yard:	20 feet	20 feet
Maximum height:	35 feet	25 feet
Lot coverage - all structures	10% maximum	

**15.05.060 Additional regulations.**

01. Reserved

**15.05.070 Signs.** Signage in this district shall comply with Chapter 15.33 "Signs".  
 (Ord. 5285, 8/26/96)

ORDINANCE NO. 6081

AN ORDINANCE to amend Chapter 15.05 "A-2/Parks, Estates and Agricultural District" of the 2005 Municipal Code of Council Bluffs, Iowa, by amending Section 15.05.020 "Principal uses".

BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA:

**SECTION 1.** That Chapter 15.05 "A-2/Parks, Estates and Agricultural District" of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing and reenacting Section 15.05.020 "Principal uses", to read as follows:

**"15.05.020 Principal uses.** The following principal uses shall be permitted outright in an A-2 district:

01. Animal production.
02. Cemetery.
03. Dwelling, single family detached.
04. Family home.
05. Government maintenance facility.
06. Horticulture and crop production.
07. Local utility services.
08. Park and recreation services.
09. Public campground.
10. Public safety services.
11. Religious assembly.
12. Secondary airports and private light plane landing strips, when laid out and operated in accordance with all applicable regulations of the Federal Aviation Administration (FAA) and when situated on a site containing not less than thirty (30) acres.
13. Animal shelter (non-profit)."

**SECTION 3. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This is Ordinance No. 6055, Section 1, 2010.

**SECTION 4. SEVERABILITY CLAUSE.** If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

**SECTION 5. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.



PASSED  
AND \_\_\_\_\_, 2010  
APPROVED

\_\_\_\_\_  
THOMAS P. HANAFAN Mayor

Attest:

\_\_\_\_\_  
MARCIA L. WORDEN City Clerk

First Consideration: 4/26/2010  
Second Consideration: 5/10/2010  
Public Hearing: 5/10/2010  
Third Consideration:

Planning Case ZT-10-003

NOTICE OF PUBLIC HEARING  
ON PROPOSED ZONING TEXT AMENDMENTS

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council for the City of Council Bluffs, Iowa, has scheduled a public hearing on a proposed ordinance to amend Chapter 15.05 "A-2/Parks, Estates and Agricultural District" of the 2005 Municipal Code of Council Bluffs, Iowa, by amending Section 15.05.020 "Principal uses" of the 2005 Municipal Code of Council Bluffs, Iowa, to include "animal shelter (non-profit)".

You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting to be held at 7:00 p.m. on the \_\_\_\_\_ day of \_\_\_\_\_, 2010, in the City Council Chambers in the City Hall building, 209 Pearl Street, Council Bluffs, Iowa, at which time and place all persons interested in said matter will be given an opportunity to be heard.

\_\_\_\_\_  
MARCIA L. WORDEN

City Clerk

Planning Case No. ZT-10-003

## Council Communication

Department: Community Development  Case/Project No. N/A	Ordinance No. <u>N/A</u> Resolution No. <u>10- 164</u>	First Reading     5/24/10 Second Reading <u>N/A</u> Third Reading <u>N/A</u> Public Hearing <u>N/A</u>
<b>Subject/Title</b>		
Acquisition of two properties in the 2600 and 2700 block of South 15 <sup>th</sup> Street.		
<b>Background/Discussion</b>		
<p>Several properties north of 28<sup>th</sup> Avenue and South 15<sup>th</sup> Street are available for purchase. These properties are located between South 15<sup>th</sup> Street and Indian Creek in the 23<sup>rd</sup> Avenue Urban Renewal Area. Although initial urban renewal efforts have focused on several residential development properties west of South 15<sup>th</sup> Street and south of 23<sup>rd</sup> Avenue, the urban renewal plan identifies the acquisition of property adjacent Indian Creek. Acquisition of these properties was recommended for several reasons which include:</p> <ul style="list-style-type: none"> <li>• Their adjacency to the Indian Creek levee and Mid American electric transmission line.</li> <li>• To remove blighted properties.</li> <li>• Allow for the eventual closure and removal of South 15<sup>th</sup> Street south of 23<sup>rd</sup> Avenue.</li> </ul> <p>The properties to be acquired include a 39,600 sq. ft. and 35,640 sq. ft. parcels owned by Adair Holdings LLC. The acquisition price for both properties is \$25,000 (\$0.33 per sq. ft.). Staff proposes to use funds in the 23<sup>rd</sup> Avenue Project Account to cover the balance of acquisition.</p>		
<b>Recommendation</b>		
Approval of resolution authorizing the acquisition of two properties in the 2600 and 2700 block of South 15 <sup>th</sup> Street from Adair Holdings LLC in the amount of \$25,000.		
<b>Attachments:</b> Resolution and Map		

Submitted by: Donald D. Gross, Director, Community Development Department



Adair Holding Parcels



Scale 1:1692

5/11/2010 7:28:22 AM

<http://gis.potomacounty.com>

## South 15th Street Acquisitions

Users of the Potomac County GIS parcel mapping application agree that he or she will at all times indemnify and hold Potomac County and its officers, employees, and agents harmless from any damages, claims, lawsuits, costs, or liability arising from any act, omission, or commission with respect to the release and use of information in this Agreement and any of the terms thereof. Potomac County makes no claim as to the accuracy of the spatial data and its associated data tables and assumes no responsibility for their positional or content accuracy. Potomac County makes no claim as to the ability of the spatial data to fulfill the County's Organizational application requirements. In providing data (or access to data), Potomac County assumes no obligation to assist in the use of the data, or in the development, use, or maintenance of any application applied to the data. In no event shall the County be liable for any direct, indirect, incidental, consequential or special damages that may result from the User's application of the GIS data.

**RESOLUTION NO. 10-164**

**A RESOLUTION AUTHORIZING THE ACQUISITION OF VACANT LOTS OWNED BY ADAIR HOLDINGS LLC LOCATED IN THE 2600 AND 2700 BLOCK OF SOUTH 15<sup>TH</sup> STREET.**

- WHEREAS,** the City has established the 23<sup>rd</sup> Avenue Urban Renewal Area which consists of a numerous blocks south of 23<sup>rd</sup> Avenue west of Indian Creek; and
- WHEREAS,** the plan for said urban renewal area identifies redevelopment projects and public improvements that the City desires to undertake; and
- WHEREAS,** the acquisition of property legally described as: Lots 1-10, Block 81 and Lots 1-4 and 6-10, Block 60 all in Railroad Addition to the City of Council Bluffs, as a project the City desires to undertake; and
- WHEREAS,** the owner of said property is willing to dispose of the property; and
- WHEREAS,** existing fund balances in the 23<sup>rd</sup> Avenue Project Account are available to acquire the property.

**NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

That the Mayor is hereby authorized and directed to execute the real estate contract to acquire vacant lots in the 2600 and 2700 block of South 15<sup>th</sup> Street from Adair Holdings LLC in the amount of \$25,000.

ADOPTED  
AND  
APPROVED:

May 24, 2010

\_\_\_\_\_  
Thomas P. Hanafan

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Marcia L. Worden

\_\_\_\_\_  
City Clerk

Council Communication

Department: Community Development  Case/Project No.: N/A	Ordinance No.: N/A  Resolution No.: <u>10-165</u>	City Council: 5/24/10 First Reading: 5/24/10 Second Reading: N/A Third Reading: N/A Public Hearing: N/A
<b>Subject/Title</b> Acquisition of properties at 128 and 130 North 40 <sup>th</sup> Street as part of the Playland Park Urban Renewal Project.		
<b>Background/Discussion</b> Properties located at 128 and 130 North 40 <sup>th</sup> Street can be acquired on a voluntary basis. These properties consist of two duplexes owned by Terry Skalberg. These properties are located immediately east of the Playland Park Redevelopment Project. Staff believes the two properties should be acquired and added to existing City owned properties to the west. The Playland Park Master Plan calls for a new street to be constructed through these properties.  A purchase agreement has been negotiated and executed for the acquisition of the properties pending City Council approval. The purchase price of the property is \$300,000. A recent appraisal of the properties set the value also at \$300,000. Playland Park Redevelopment Project account funds will be used to cover the cost of acquisition and demolition.		
<b>Staff Recommendation</b> Approval of the resolution authorizing acquisition of the property at 128 and 130 North 40 <sup>th</sup> Street.		
<b>Attachments</b> Resolution and Map		

Prepared/Approved By: Donald D. Gross, Director





## 128 and `130 N 40th St



Scale 1:846

5/11/2010 3:10:22 PM

<http://gis.portneuse.com>

Users of the Portneuse County GIS parcel mapping application agree that he or she will at all times indemnify and hold Portneuse County and its officers, employees, and agents harmless from any damages, claims, lawsuits, costs, or liability arising from any act, omission, or commission with respect to the release and use of information in this Agreement and any of the terms thereof. Portneuse County makes no claim as to the accuracy of the spatial data and its associated data tables and assumes no responsibility for their positional or content accuracy. Portneuse County makes no claim as to the ability of the spatial data to fulfill the Contracting Organization's application requirements. In providing data (or access to data), Portneuse County assumes no obligation to assist in the use of the data, or in the development, use, or maintenance of any application applied to the data. In no event shall the County be liable for any direct, indirect, incidental, consequential or special damages that may result from the User's application of the GIS data.

**RESOLUTION NO. 10-165**

**A RESOLUTION AUTHORIZING THE ACQUISITION OF 128 AND 130 NORTH 40<sup>th</sup> STREET AS PART OF THE PLAYLAND PARK REDEVELOPMENT PROJECT.**

- WHEREAS,** two duplex properties located at 128 and 130 North 40<sup>th</sup> Street can be acquired on a voluntary basis; and
- WHEREAS** said properties are located adjacent to the Playland Park Redevelopment Project; and
- WHEREAS** the properties can be acquired at or near appraised value; and
- WHEREAS** sufficient funds are available in the Playland Park Redevelopment Project account to acquire the properties; and
- WHEREAS,** a real estate offer has been executed subject to City Council approval in the amount of \$300,000.

**NOW, THEREFORE, BE IT RESOLVED**

**BY THE CITY COUNCIL**

**OF THE**

**CITY OF COUNCIL BLUFFS, IOWA:**

That the acquisition of 128 and 130 North 40<sup>th</sup> Street is hereby approved as part of the Playland Park Redevelopment Project.

ADOPTED

AND

APPROVED:

May 24, 2010

\_\_\_\_\_  
Thomas P. Hanafan

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Marcia L. Worden,

\_\_\_\_\_  
City Clerk

## Council Communication

<b>Department:</b> Community Development Case No. PC-10-001 Applicant: Kimco Metro Crossing, L.P.	Resolution No. <u>10-166</u>	City Council: May 24, 2010 Planning Commission Meeting: May 11, 2010
<b>Subject/Title</b>		
Amend the Planned Commercial Development Plan for Metro Crossing Subdivision, related to signage.		
<b>Background/Discussion</b>		
<p>Kimco Metro Crossing, L.P., represented by Omaha Neon Sign Company, has requested an amendment to the adopted planned commercial development plan to increase the amount of signage allowed on the two multi-tenant pylon signs located in the Metro Crossing Subdivision. One sign is located adjacent to Highway 275 and other is placed near I-29. Both signs are located on outlots platted in the subdivision. Signage in Metro Crossing is determined by the adopted planned commercial development plan. A requested change to the approved development plan must be reviewed by the Planning Commission and adopted by the City Council.</p> <p>The applicant has requested additional tenant panels be permitted on each of the pylon signs. The additional area is equal to 120 (15' x 8') square feet per face/per sign. A total increase of 480 square feet of signage is requested for the development. The current plan allows for approximately 1170 square feet of tenant panel space between the two existing signs.</p> <p>The proposed signage appears consistent in design with the previously approved plan and will be complementary to the existing sign.</p>		
<b>Recommendation</b>		
<p>The Community Development Department recommends amending the planned commercial development plan for Metro Crossing Subdivision by allowing an additional 120 square feet of signage per face/per sign on each of the center pylon signs as shown on Attachments A and B.</p>		
<b>Public Hearing</b>		
<p>Susan Marchese, Omaha Neon Sign Company appeared before the Planning Commission in favor of the request. No one appeared in opposition.</p>		
<b>Planning Commission Recommendation</b>		
<p>The Planning Commission recommends amending the planned commercial development plan for Metro Crossing Subdivision to allow an additional 120 square feet of signage per face/per sign on each of the center pylon signs as shown on Attachments A and B.</p>		
VOTE: AYE 9    NAY 0    ABSTAIN 0    ABSENT 2    Motion: Carried		
<b>Attachment A:</b> Pylon Sign 1, at I-29		
<b>Attachment B:</b> Pylon Sign 2, at Highway 275		
Prepared by: Rose E. Brown, Urban Planner		

60'-0" O.A.H.

33'-6"

24"

8'-0"

15'-0"

14'-6"

28 1/2"

TENANT PANEL VO.

**METRO CROSSING**

**KOHLS**

**TARGET**

**HOBBY LOBBY**

**HARDWARE**

**FISH & GAME**

**OFFICE DEPARTMENT**

SCALE: 1/8" = 1'-0"

ADDITIONAL SIGNAGE.

THERE IS TO BE (1) ONE D/F SIGN CABINET MOUNTED TO EXISTING SIGN AS SHOWN.

CABINET IS FABRICATED FROM ALUMINUM OVER AN INTERNAL ANGLE IRON FRAME. CABINET AND RETAINERS ARE TO BE PAINTED TO MATCH EXISTING CABINET(S). FACES ARE TO BE WHITE LEXAN. INTERNAL ILLUMINATION WITH CW/HO FLUORESCENT LAMPS. SIGNAGE AND PANEL ARE TO BE MOUNTED TO EXISTING D/F POLE SIGN DISPLAY.

**PYLON SIGN #1**

HWY. 275.

33'-6"

- ☐ INTERIOR
- ☐ SIGN DISPLAYS
- ☐ CHANNEL LETTERS
- ☐ NON-ILLUM SIGNAGE
- ☐ BEY CHANNEL LETTERS
- ☐ POLE SIGN
- ☐ SINGLE POLE SIGN
- ☐ MOMENT SIGN
- ☐ COLLECTION
- ☐ CHARACTER REPERFORATED DISPLAYS

- ☐ PROJECT TYPE
- ☐ NEW CONSTRUCTION
- ☐ REMODELING
- ☐ TENANT CHANGES
- ☐ LANDSCAPE IMPROVEMENTS
- ☐ CORPORATE CHANGES
- ☐ AMENDMENTS TO EXISTING SIGNAGE

This sign is intended to be installed in accordance with the requirements of Article 800 of the National Electric Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

**NOTICE:**

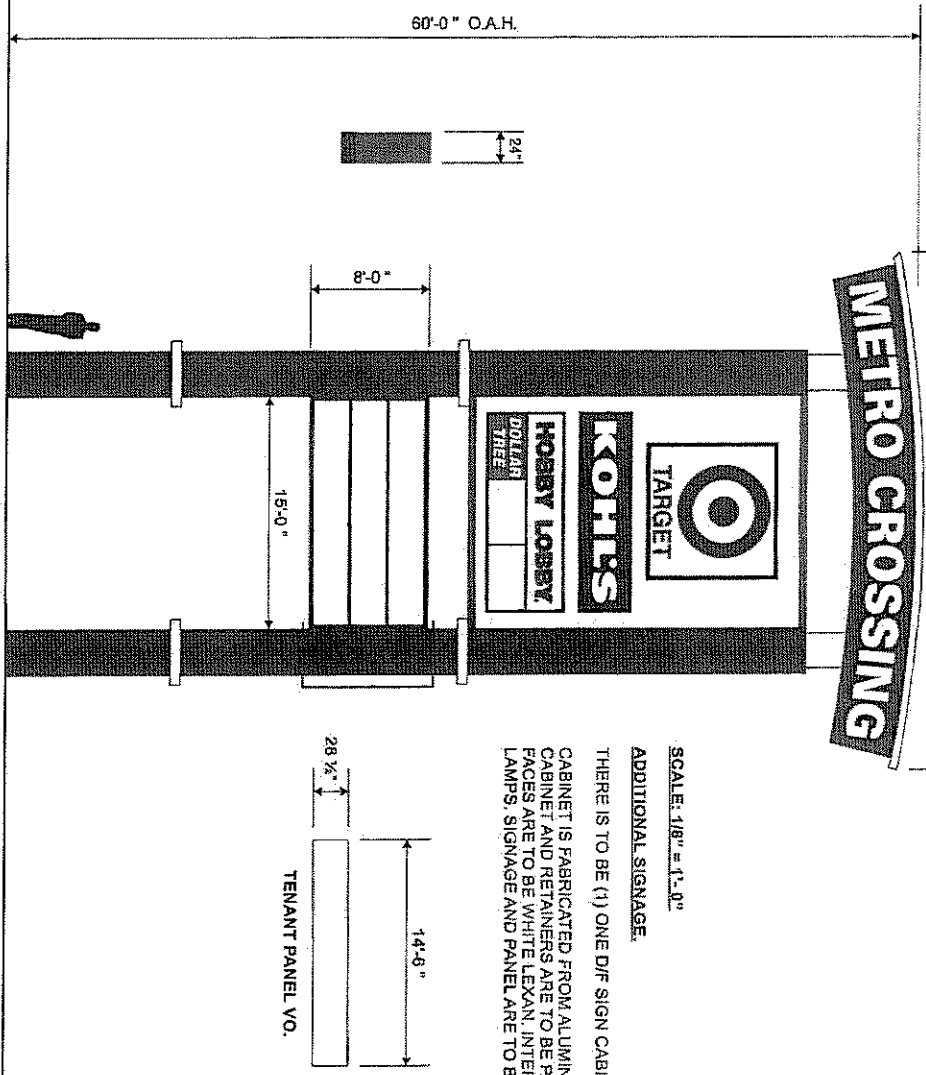
All ordering instructions are subject to approval of authorized client, as per the terms and conditions of the contract. APPROVAL BY THE UNDERSIGNED AND DATED HEREON SHALL CONSTITUTE ACCEPTANCE OF THE AGREEMENT'S FINAL AND TO CLIENT APPROVAL.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Omaha Neon Sign Co., Inc.**  
1123 H 18th Street | Omaha 68102 | 402.241.6977 | 402.341.7654 fax  
This design and all material appearing herein constitute the original unpublished work of Omaha Neon Sign Co., Inc. and may not be duplicated, used or disclosed without written consent.

**Metro Crossing**  
Council Bluffs, IA

DRAWING #: 59763  
DISK #: 106  
SALES DEPT: Susan L. Michals  
DRAWN BY: Sean Cornett  
Scale: As Noted  
Date: 04.05.10  
INSPECTED BY:  
Reviewed:



SCALE: 1/8" = 1'-0"

**ADDITIONAL SIGNAGE.**

THERE IS TO BE (1) ONE D/F SIGN CABINET MOUNTED TO EXISTING SIGN AS SHOWN. CABINET IS FABRICATED FROM ALUMINUM OVER AN INTERNAL ANGLE IRON FRAME. CABINET AND RETAINERS ARE TO BE PAINTED TO MATCH EXISTING CABINET(S). FACES ARE TO BE WHITE LEXAN. INTERNAL ILLUMINATION WITH C/W/O FLUORESCENT LAMPS. SIGNAGE AND PANEL ARE TO BE MOUNTED TO EXISTING D/F POLE SIGN DISPLAY.

**PYLON SIGN #2**

**RESOLUTION NO. 10-166**

**A RESOLUTION TO AMEND THE PLANNED COMMERCIAL DEVELOPMENT PLAN  
FOR METRO CROSSING SUBDIVISION, RELATED TO SIGNAGE.**

**WHEREAS,** Kimco Metro Crossing, L.P., represented by Omaha Neon Sign Company, has requested an amendment to the adopted planned commercial development plan to increase the amount of signage allowed on the two multi-tenant pylon signs located in the Metro Crossing Subdivision; and

**WHEREAS,** the applicant has requested additional tenant panels be permitted on each of the pylon signs. The additional area is equal to 120 (15' x 8') square feet per face/per sign. A total increase of 480 square feet of signage is requested for the development; and

**WHEREAS,** the proposed signage appears consistent in design with the previously approved plan and will be complementary to the existing sign; and

**WHEREAS,** the Community Development Department recommends and the Planning Commission concurs with amending the planned commercial development plan of Metro Crossing Subdivision, as shown on Attachments A and B.

**NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

That the Planned Commercial Development Plan for Metro Crossing Subdivision is amended by allowing an additional 120 square feet of signage per face/per sign on each of the center pylon signs.

ADOPTED  
AND  
APPROVED

May 24, 2010

\_\_\_\_\_  
THOMAS P. HANAFAN

Mayor

ATTEST:

\_\_\_\_\_  
MARCIA L. WORDEN

City Clerk



## Council Communication

Department: Finance  Case/Project No.  Applicant: Arthur Hill	Ordinance No. Resolution No. <u>10-167</u>	Council Action: <u>5/24/2010</u>
<b>Subject/Title</b>		
Modification to the staffing levels within the Finance Department.		
<b>Background/Discussion</b>		
<p>Last year I came before you when Joan Gilman retired and asked that you allow me to abolish one fulltime "Account Clerk II" position and bring on a "Finance Intern" to perform tasks throughout areas in the Finance Department.</p> <p>Doing so has been a success – we filled the position with a well qualified person and renewed the quarterly internship period twice with this person. In addition, we lowered the cost per hour worked from \$40.27 to \$21.78.</p> <p>After evaluating the position, City Treasurer, Deb Miller and I believe we could benefit from another modification to the position. Our proposal is:</p> <p>Step 1 – Hire a part time "Account Clerk I" to work 18 hours per week in the midday at the counter in the City Treasurer's Office, serving customers over the lunch hour. The starting pay rate for this position would be \$14.21 per hour. When factoring in benefits, the cost per hour worked would be \$17.72.</p> <p>Step 2 – Enter an internship agreement that would establish 3 or 4 internship terms of 200 to 275 hours each with a stipend of \$12.00 per paid to the student. This would allow scheduling flexibility for the student and get us a talented person desiring initial experience at a reasonable stipend rate.</p> <p>The overall cost per hour worked under this plan would reduce to approximately \$15.00 per hour. More importantly, the internship program would create a relationship with university students that will bring talented person to the attention of the City for potential permanent staffing at a future date.</p>		
<b>Recommendation</b>		
Approval of the Resolution modifying staffing levels in the Finance Department.		

\_\_\_\_\_  
Department Head Signature

\_\_\_\_\_  
Mayor Signature

**City of Council Bluffs  
Proposed Staff Re-alignment and Resulting Wage Impact  
Finance Department**

	"Where we were last year" Acctg Clerk II at top	"Where we were" Temp	"Where we want to be"		
			Part Time (18 hours/week)	Intern (200 hrs/quarter)	Total
Wages	1,715.77	1,320.00	511.40	369.23	880.63
Longevity	9.23		-	-	-
Earnings	1,725.00	1,320.00	511.40	369.23	880.63
FICA	131.96	-	39.12	-	39.12
IPERS	119.89	-	35.54	-	35.54
Insurance	650.00	-	-	-	-
Agency markup		422.40	-	-	-
BI weekly Cost	2,626.85	1,320.00	586.07	369.23	955.30
Annual Cost	68,298.10	43,385.76	15,237.72	9,600.00	24,837.72
Potential Hours	2,080.00	1,992.00	936.00	800.00	1,736.00
Benefit Hours	384.00	-	76.00	-	76.00
Annual Hours	1,696.00	1,992.00	860.00	800.00	1,660.00
Cost per Hour Worked	40.27	21.78	17.72	12.00	14.96

**Resolution 10 -167**

**A Resolution authorizing a Finance staff realignment that (1) authorizes the establishment of a permanent part time Account Clerk I for an average of 18 hours per week and (2) authorizes an Internship Program for approximately 800 hours per year.**

Be it resolved by the City Council of the City of Council Bluffs, Iowa:

Whereas: The city of Council Bluffs finance staff continues to seek efficient operations to meet changing needs and practices in the treasury operation, and

Whereas: The treasurer's office abolished an accounting clerk II position and replaced that position with an intern working full time during the past nine months, and

Whereas: The treasurer believes an intern working approximately 15-20 hours per week and an account clerk I working 18 hours per week would reduce training time and create scheduling flexibility while continuing to reduce operating costs,

That the City of Council Bluffs authorizes a finance staff realignment that (1) authorizes the establishment of a permanent part time account clerk I for an average of 18 hours per week and (2) authorizes an internship program for approximately 800 hours per year.

ADOPTED

AND

APPROVED:

May 24, 2010

\_\_\_\_\_  
Thomas P. Hanafan, Mayor

ATTEST:

\_\_\_\_\_  
Marcia L. Worden, City Clerk

## Council Communication

Department: City Clerk	Ordinance No. _____	
Case/Project No. n/a	Resolution No. <u>10-168</u>	Council Action: 5-24-2010
Applicant. Larry N. Foster		
<b>Subject/Title</b>		
For City Council consideration is a resolution authorizing the Mayor to submit the River's Edge Park project to the Iowa Department of Natural Resources to be consideration for a Resource Enhancement and Protection Program grant (REAP) and authorizing the Mayor to enter into a contract if approved, and indicating the City's financial support for the project.		
<b>Background/Discussion</b>		
<p>Currently, the City is progressing in its efforts to develop River's Edge Park, a signature riverfront park to be constructed on the banks of the Missouri River.</p> <p>Funding for the design and construction of this park will require a number of funding partnerships. The Iowa Department of Natural Resources offers grants through it Resource Enhancement and Protection Program (REAP) program. The REAP program is designed to assist communities with the acquisition, establishment and maintenance of parks and open spaces.</p> <p>The City's primarily design intention is to open its riverfront to public access and provide those facilities identified, by the public, as important within this type of park, while maintaining the unique environment elements in this area. Great care is being taken to protect the natural environment. The City's decision to utilize bio swales to process water from roadway and parking lots represents a state-of-the-art approach to resource protection. The costs associated with this type of efforts appear to be unique suited for REAP grant consideration.</p> <p>The purpose of this resolution is to authorize the Department of Parks, Recreation and Public Property to assemble and submit an application, support materials and other documentation necessary for a REAP grant to support the design and construction of River's Edge Park.</p> <p>In addition to pursuing other funding partners, in Fiscal Year 20100-2011 the City Council has approved, for this project, \$3,500,000 in sales tax funding, \$1,050,000 in General Obligation Bonds and General Fund allocations of \$950,000 in the City's 2010-2011 Capital Improvement Plan. These funds are illustrated in PR-11-07 and PW-11-21</p>		
<b>Recommendation</b>		
I recommend that the City Council adopt the resolution authorizing the Mayor to submit an application to the Iowa Department of Natural Resources for a Resource Enhancement and Protection Program (REAP) grant and authorizing the Mayor to enter into a contract if approved.		

\_\_\_\_\_  
Department Head

\_\_\_\_\_  
Mayor Signature

RESOLUTION NO. 10-168

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE IOWA DEPARTMENT OF NATURAL RESOURCES FOR A RECAT GRANT AND TO ENTER INTO A CONTRACT, IF APPROVED

- WHEREAS, the City of Council the City of Council Bluffs is progressing in its efforts to develop River's Edge Park, a signature riverfront park to be constructed on the banks of the Missouri River; and
- WHEREAS, River's Edge Park will be an important river-based public park; and
- WHEREAS, the City will be utilizing unique techniques to maintain the current environment and character of the riparian woodlands and wetlands currently located on the park site; and
- WHEREAS, the City Council and the Parks, Recreation and Public Property Commission support the River's Edge Park plan and an effort to develop funding partnerships to construct the park; and
- WHEREAS, The City Council deems it is in the best interest of the City of Council Bluffs to pursue funding for the development of the River's Edge Park by submitting a grant application to the Iowa Department of Natural Resources, for consideration of funding from the Resource Enhancement and Protection Program (REAP) program; and
- WHEREAS, the City Council authorizes appropriate City officials to execute a contract with the Department of Natural Resources, and any necessary documents, if the grant is approved; and
- WHEREAS, the City Council, in Fiscal Year 2010-2011, has approved for this project, \$3,500,000 in Sales Tax, \$1,050,000 in General Obligation Bonds and General Fund allocation of \$950,000 in the City's Capital Improvement Plan.

NOW, THEREFORE BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk authorize the Mayor to submit a Resource Enhancement and Protection Program (REAP) Grant application and authorize the Mayor and City Clerk to enter into a contract, if approved.

ADOPTED  
AND  
APPROVED

May 24, 2010

\_\_\_\_\_  
Thomas P. Hanafan

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Marcia L. Worden

\_\_\_\_\_  
City Clerk



## Council Communication

Department: City Clerk	Ordinance No. _____	
Case/Project No. n/a	Resolution No. <u>10-169</u>	Date: May 24, 2010
Applicant. Larry N. Foster		
<b>Subject/Title</b>		
<p>For City Council consideration is a resolution authorizing the Mayor to submit the River's Edge Park project to the Iowa Department of Culture Affairs to be considered for a Great Places grant and authorizing the Mayor to enter into a contract if approved, and indicating the City's financial support for the project.</p>		
<b>Background/Discussion</b>		
<p>Currently, the City is progressing in its efforts to develop River's Edge Park, a signature riverfront park to be constructed on the banks of the Missouri River.</p> <p>Funding for the design and construction of this park will require a number of funding partnerships.</p> <p>In 2007, Council Bluffs was selected, by the Iowa Department of Cultural Affairs, as an Iowa Great Places city. Thereafter, the Council Bluffs Riverfront was designated as an individual Great Places project. To assist Great Places cities in the development of Great Places, the Department of Cultural Affairs offers competitive grants. Their Grants often consider Community Betterment projects, including the construction of parks and other open-space facilities.</p> <p>The City has determined that River's Edge Park will not only open our community's riverfront to public access and provide a signature, regional park, but the construction and operation of the park will affect our city's economy in a very positive manner. As a result, the River's Edge Park project is well positioned to compete for a Great Places grant.</p> <p>The purpose of this resolution is to authorize the Department of Parks, Recreation and Public Property to assemble and submit an application, support materials and other documentation necessary for a Great Places grant to support the design and construction of River's Edge Park.</p> <p>In addition to pursuing other funding partners, in Fiscal Year 2010-2011 the City Council has approved, for this project, \$3,500,000 in sales tax funding, \$1,050,000 in General Obligation Bonds and General Fund allocations of \$950,000 in the City's 2010-2011 Capital Improvement Plan. These funds are illustrated in PR-11-07 and PW-11-21</p>		
<b>Recommendation</b>		
<p>I recommend that the City Council adopt the resolution authorizing the Mayor to submit an application to the Iowa Department of Cultural Affairs for a Great Places grant and authorizing the Mayor to enter into a contract if approved.</p>		

\_\_\_\_\_  
Department Head

\_\_\_\_\_  
Mayor Signature

RESOLUTION NO. 10-169

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE IOWA DEPARTMENT CULTURE AFFAIRS FOR A GREAT PLACES GRANT AND TO ENTER INTO A CONTRACT, IF APPROVED

- WHEREAS, the City of Council the City of Council Bluffs is progressing in its efforts to develop River's Edge Park, a signature riverfront park to be constructed on the banks of the Missouri River; and
- WHEREAS, River's Edge Park will not only open our community's riverfront to public access and provide a signature, regional park, but the construction and operation of the park will affect our city's economy in a very positive manner; and
- WHEREAS, the City Council and the Parks, Recreation and Public Property Commission support the River's Edge Park plan and an effort to develop funding partnerships to construct the park; and
- WHEREAS, in 2007 Council Bluffs was designated, by the Iowa Department of Cultural Affairs, as an Iowa Great Place city; and
- WHEREAS to assist Great Place cities in the development of their Great Places, the Department of Cultural Affairs offers competitive grants; and
- WHEREAS, The City Council deems it is in the best interest of the City of Council Bluffs to pursue funding for the development of the River's Edge Park by submitting a grant application to the Iowa Department of Cultural Affairs, for consideration of funding as a Great Places grant; and
- WHEREAS, the City Council authorizes appropriate City officials to execute a contract with the Department of Cultural Affairs, and any necessary documents, if the grant is approved; and
- WHEREAS, the City Council, in Fiscal Year 2010-2011, has approved for this project, \$3,500,000 in Sales Tax, \$1,050,000 in General Obligation Bonds and General Fund allocation of \$950,000 in the City's Capital Improvement Plan.

NOW, THEREFORE BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk authorize the Mayor to submit a Great Places Grant application and authorize the Mayor and City Clerk to enter into a contract, if approved.

ADOPTED  
AND  
APPROVED

May 24, 2010

\_\_\_\_\_  
Thomas P. Hanafan

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Marcia L. Worden

\_\_\_\_\_  
City Clerk

## COUNCIL COMMUNICATION

Department: Public Works  
Case/Project No.: FY10-04C  
Applicant: Matthew Cox, City Engineer

Ordinance No. \_\_\_\_\_  
Resolution No. 10-170

First Reading May 24, 2010

### SUBJECT/TITLE

Council consideration of a resolution accepting the bid of AVAS Construction Company Inc. in the amount of \$788,433.85 for the Hazel Street Restoration. Project #FY10-04C.

### BACKGROUND/DISCUSSION

- On May 13, 2010 bids were received in the office of the city clerk as followed:

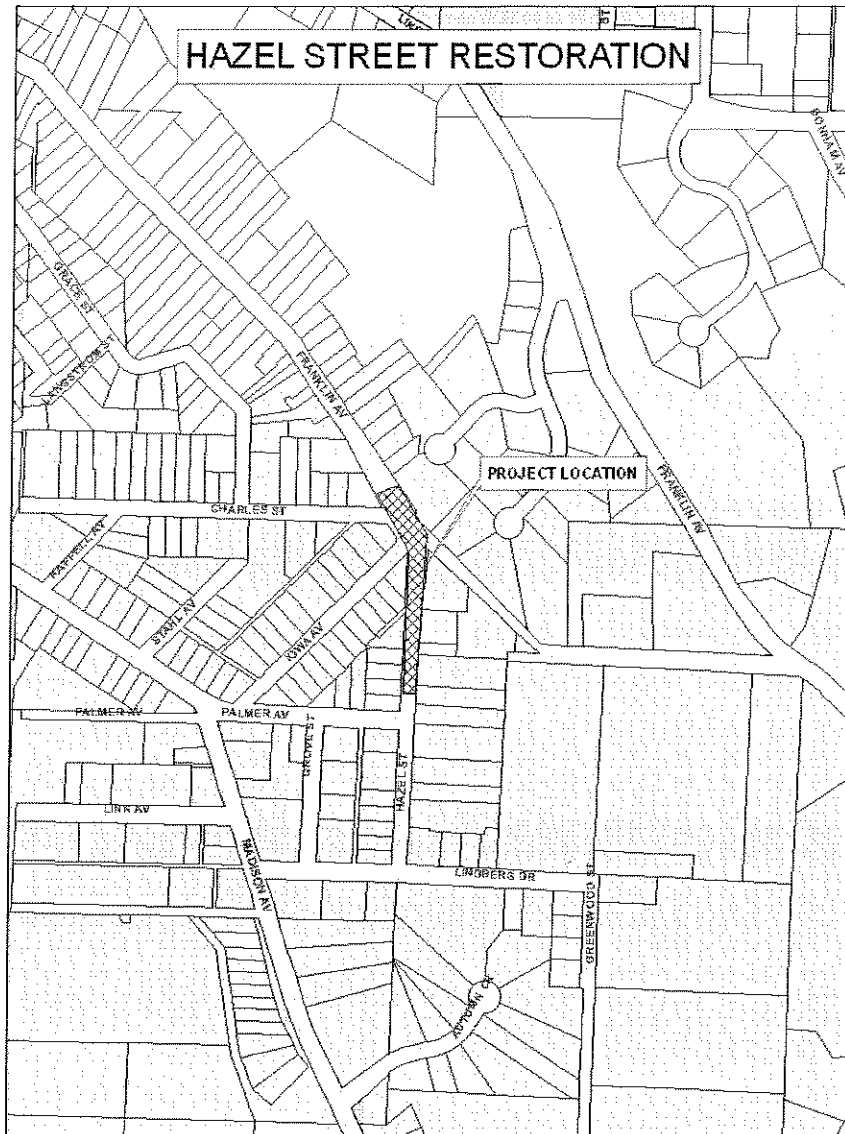
	<u>Division I</u> <u>General</u>	<u>Division II</u> <u>Pavement</u>	<u>Division IV</u> <u>San. Sewer</u>	<u>Division V</u> <u>Water Main</u>	<u>Division VIII</u> <u>Misc. Retaining Wall</u>	<u>Total</u>
AVAS Const. Co., Inc., Carter Lake, IA	\$ 55,798.30	\$25,312.00	\$19,723.60	\$37,382.95	\$650,217.00	<b>\$788,433.85</b>
Valley Corporation, Valley, NE	\$113,315.24	\$36,966.04	\$30,689.18	\$67,029.39	\$637,172.97	<b>\$885,172.82</b>
Leazenby Const., Inc., Council Bluffs, IA	\$185,326.38	\$30,114.68	\$25,679.91	\$50,311.61	\$662,174.78	<b>\$953,607.36</b>
Engineer's Estimate	\$ 79,205.00	\$34,740.00	\$28,189.00	\$44,318.00	\$683,592.00	<b>\$870,044.00</b>

- Hazel Street is in the Loess Hills area south of Broadway and east of downtown in an older developed area of the city.
- Between Charles St. and Palmer Ave., Hazel Street splits into a lower roadway and an upper roadway.
- Between the two roadways is a steep vertical embankment covered by trees and brush. The "cliff" is approximately 30 feet at it's highest point.
- Intense rainfall events during the Spring of 2008 resulted in the excessive erosion and partial collapse of the upper roadway. The upper roadway provides alternate access to several properties and is currently closed due to unsafe conditions.
- FEMA was contacted and they conducted an evaluation of the problem. FEMA concluded that the erosion problem was related to the June, 2008 storm and that the repair costs are eligible for federal funds.
- In response to a request by FEMA to develop repair alternatives, the city hired HGM to study and present options that would return the area to a stable condition.
- FEMA approved a design alternative which included a combination of fill and wall construction and replacement of damaged sanitary sewer and street pavement.
- FEMA will fund 90% of the construction costs and the city will be responsible for the remaining 10%.
- Estimated construction and engineering cost is approximately \$1,000,000. The city's share will be approximately \$100,000.
- The project has been added to the CIP as FY10-04C and the local match will be funded by sales tax.

### RECOMMENDATION

Approval of this resolution

\_\_\_\_\_  
Greg Reeder, Public Works Director



**RESOLUTION**  
**NO 10-170**

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK  
TO EXECUTE AN AGREEMENT WITH  
AVAS CONSTRUCTION COMPANY, INC. FOR THE  
HAZEL STREET RESTORATION  
FY10-04C**

- WHEREAS, the plans, specifications, and form of contract for the Hazel Street Restoration are on file in the office of the City Clerk; and
- WHEREAS, a Notice of Public Hearing was published, as required by law, and a public hearing was held on April 12, 2010 and the plans, specifications and form of contract were approved; and
- WHEREAS, AVAS Construction Company, Inc. has submitted a low bid in the amount of \$788,433.85 for this contract.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the bid of AVAS Construction Company, Inc. in the amount of \$788,433.85 is hereby accepted as the lowest and best bid received for said work; and

BE IT FURTHER RESOLVED

That the City Council does hereby award the contract in connection with the Hazel Street Restoration; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized, empowered, and directed to execute an agreement with AVAS Construction Company, Inc. for and on behalf of the City of Council Bluffs, upon approval by the City Attorney of the certificate of insurance and payment and performance bonds as required by the contract specifications.

ADOPTED  
AND  
APPROVED

May 24, 2010

\_\_\_\_\_  
Thomas P. Hanafan,

Mayor

ATTEST:

\_\_\_\_\_  
Marcia L. Worden,

City Clerk

## COUNCIL COMMUNICATION

Department: Public Works  
Case/Project No.: FY11-17  
Applicant: Matthew Cox, City Engineer

Ordinance No. \_\_\_\_\_  
Resolution No. 10-171

Council Action: May 24, 2010

### SUBJECT/TITLE

Council consideration of a resolution accepting the bid of Carley Construction, LLC in the amount of \$1,087,483.51 for the 32<sup>nd</sup> Avenue Storm Sewer From So. 11<sup>th</sup> St. to So. 7<sup>th</sup> St. Project # FY11-17.

### BACKGROUND/DISCUSSION

- On May 6, 2010, bids were received in the office of the city clerk as followed:

	<u>Division I General</u>	<u>Division II Pavement</u>	<u>Division III Storm Sewer</u>	<u>Division IV Sani. Sewer</u>	<u>Division V Water Works</u>	<u>Total</u>
Carley Construction, LLC, Treynor, IA	\$279,692.75	\$555,549.90	\$182,148.18	\$67,262.18	\$2,830.50	\$1,087,483.51
Leazenby Construction, Council Bluffs, IA	\$284,720.62	\$599,600.00	\$251,966.28	\$82,387.03	\$4,478.96	\$1,223,152.89
R. D. Blue Construction, Inc., Crescent, IA	\$258,062.32	\$619,737.00	\$276,578.35	\$84,447.65	\$4,840.00	\$1,243,665.32
Engineer's Estimate	\$292,661.00	\$561,771.00	\$218,015.00	\$63,981.50	\$4,810.00	\$1,141,238.50

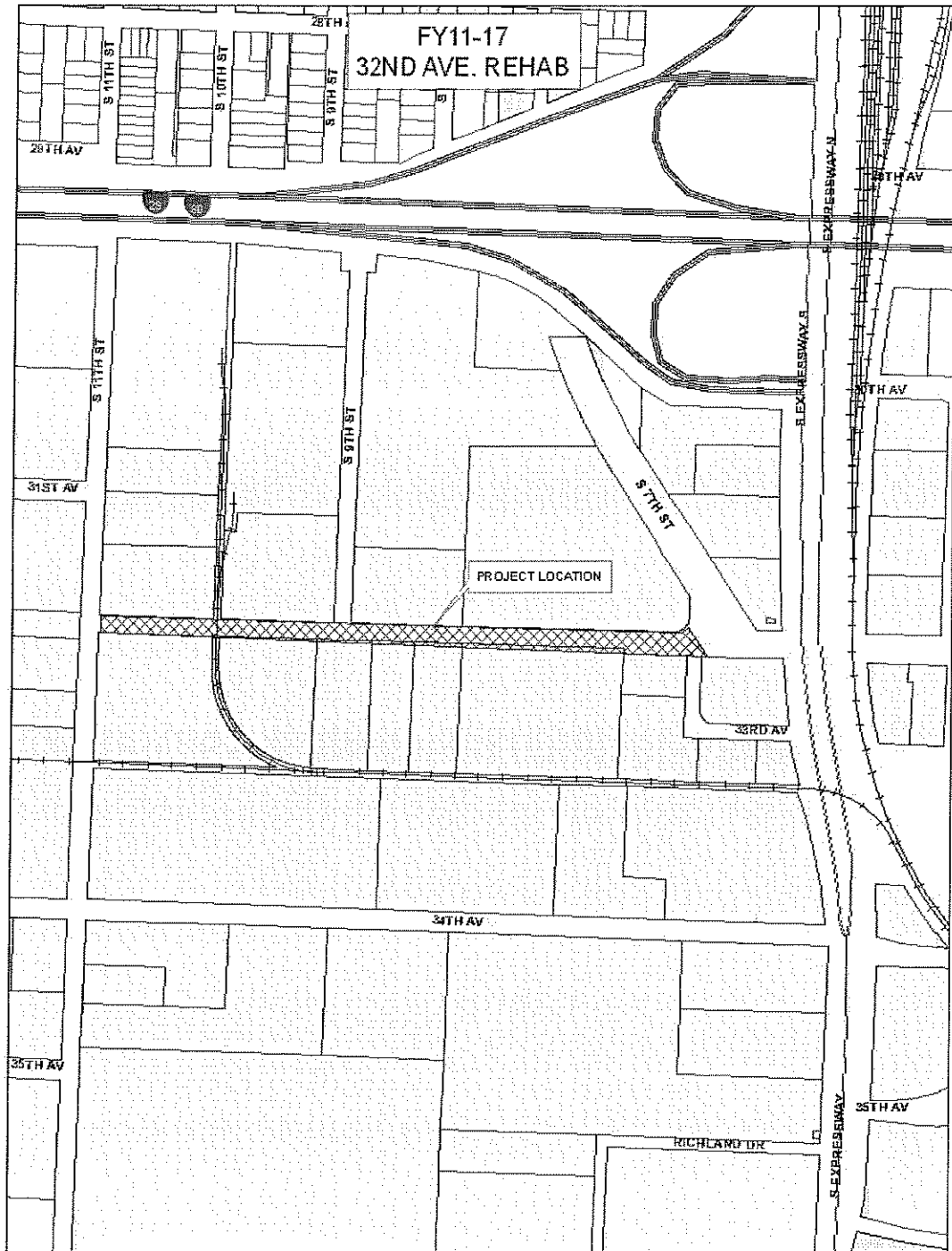
- The area south of Interstate I-80/I-29 and west of the South Expressway has no storm sewer.
- This area is served by open ditches and culverts and is a developed light industrial area with several automobile dealerships.
- The area experiences flooding and standing water in the drainage way ditches during moderate to heavy rainfall events.
- This project is the second in a three phase plan to serve this area with storm sewer. The improvements will close the drainage way ditches and upgrade the area.
- The first phase constructed storm sewer on South 11<sup>th</sup> St. from US Hwy 275 north to I-80.
- This project is located on 32<sup>nd</sup> Avenue from So. 11<sup>th</sup> St. to So. 7<sup>th</sup> St.
- This project is identified as FY11-17 in the CIP and is funded with \$700,000 in G.O. Bonds and \$700,000 in sales tax.
- The project schedule is as follows:

Public Hearing	April 12, 2010
Bid Letting	May 6, 2010
Award	May 10, 2010
Construction Completion	October 29, 2010

### RECOMMENDATION

Approval of this resolution

\_\_\_\_\_  
Greg Reeder, Public Works Director



**RESOLUTION**  
**NO 10-171**

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK  
TO EXECUTE AN AGREEMENT WITH  
CARLEY CONSTRUCTION, LLC FOR THE  
32<sup>ND</sup> AVENUE STORM SEWER FROM SO. 11<sup>TH</sup> ST. TO SO. 7<sup>TH</sup> ST.  
FY11-17**

WHEREAS, the plans, specifications, and form of contract for the 32<sup>nd</sup> Avenue Storm Sewer from So. 11<sup>th</sup> St. to So. 7<sup>th</sup> St. are on file in the office of the City Clerk; and

WHEREAS, a Notice of Public Hearing was published, as required by law, and a public hearing was held on April 12, 2010, and the plans, specifications and form of contract were approved; and

WHEREAS, Carley Construction, LLC has submitted a low bid in the amount of \$1,087,483.51 for this contract.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the bid of Carley Construction, LLC in the amount of \$1,087,483.51 is hereby accepted as the lowest and best bid received for said work; and

BE IT FURTHER RESOLVED

That the City Council does hereby award the contract in connection with the 32<sup>nd</sup> Avenue Storm Sewer from So. 11<sup>th</sup> St. to So. 7<sup>th</sup> St.; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized, empowered, and directed to execute an agreement with Carley Construction, LLC for and on behalf of the City of Council Bluffs, upon approval by the City Attorney of the certificate of insurance and payment and performance bonds as required by the contract specifications.

ADOPTED  
AND  
APPROVED

May 24, 2010

\_\_\_\_\_  
Thomas P. Hanafan,

Mayor

ATTEST:

\_\_\_\_\_  
Marcia L. Worden,

City Clerk